

It was alleged in substance in the libel that the article was misbranded for the reason that the bottle label and the circular accompanying the article contained the following statements, (bottle label) "* * * Grip, Croup, Throat and Lung Troubles, Catarrh, Asthma, Bronchitis, And Fevers * * * mumps, * * * constipation, piles and all inflammatory conditions. * * *," (circular) "* * * Croup, Grip, Sore Throat, Bronchitis, Fevers, * * * Asthma and Catarrh * * * Pneumonia * * * Spanish Influenza * * * Hay Fever * * * Systemic Catarrh * * * Mumps * * * * * typhoid fever * * * congestion of the lungs, laryngitis and heart failure * * * * * blood poison * * * Catarrh Of Bowels * * * Sick Headache * * * Serious Female Troubles * * * Quick Consumption * * * Pleurisy Quickly Cured * * * Typhoid And Pneumonia Cured * * * Kidney Trouble * * * Swellings," whereas the articles contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9176. Misbranding of Sirop D'Anis (Syrup of Anise). U. S. * * * v. 469 Bottles, 1 Gross Bottles, and 2 Dozen Bottles of * * * Sirop D'Anis (Syrup of Anise). Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12763, 12764, 12765. I. S. Nos. 18218-r, 480-r, 479-r; S. Nos. E-2272, E-2273, E-2278.)

On June 2 and July 17, 1920, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 469 bottles of Sirop D'Anis (Syrup of Anise), at Burlington, Vt., and 1 gross and 2 dozen bottles at Island Pond, Vt., consigned by J. A. E. Gauvin, Lowell, Mass., remaining unsold in the original unbroken packages, alleging that the article had been shipped on or about March 19, 1920, and September 10, 1919, respectively, and transported from the State of Massachusetts into the State of Vermont, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution composed essentially of morphine acetate, oil of anise, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that certain statements regarding the curative or therapeutic effects of the article, as follows, (bottle label) "For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition. * * *," (French) "For babies. This syrup is administered in cases of colic, diarrhea, dysentery, painful dentition, coughs, colds, sleeplessness, etc.," (wrapper) "For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (French) "This syrup is administered in cases of colic, diarrhea, dysentery, painful dentition, coughs, colds, sleeplessness, etc.," (circular) "(For babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful," (French) "For babies * * * a preparation for soothing pain in cases of colic, dysentery, colds and chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep," were false and fraudulent in that the article contained no ingredient or ingredients capable of producing the therapeutic or curative effects claimed.

On January 6, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9177. Misbranding of olive oil. U. S. * * * v. Spyros A. Microutsicos and George A. Microutsicos (Microutsicos Bros.). Pleas of guilty. Fine, \$20. (F. & D. No. 14059. I. S. No. 625-r.)

On March 1, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spyros A. Microutsicos and George A. Microutsicos, trading as Microutsicos Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on December 20, 1919, from the State of New York into the State of Florida, of a quantity of olive oil which was misbranded. The article was labeled in part, "Imported French Pure Olive Oil * * * Emperor Brand * * * Net Contents $\frac{1}{2}$ Gall."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{2}$ Gall.," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained one-half gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained one-half gallon net of the article, whereas, in truth and in fact, each of the cans contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 2, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

E. D. BALL, *Acting Secretary of Agriculture.*

9178. Adulteration of tomato purée. U. S. * * * v. 149 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14062. I. S. No. 5238-t. S. No. E-2942.)

On December 13, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 149 cases of tomato purée, at Boston, Mass., consigned by the Girard Canning Co., North Girard, Pa., on October 16, 1920, alleging that the article had been shipped and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Sun-Maid Brand Whole Tomato Puree Packed By Girard Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*